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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,348	01/31/2004	Allan T. Steinbock	20045-65	8361
572 7590 08/18/2009 CLIFFORD A. POFF 9800B MCKNIGHT ROAD SUITE 115 PITTSBURGH, PA 15237				
EXAMINER HEWITT, JAMES M				
ART UNIT		PAPER NUMBER		
3679				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/769,348

**Applicant(s)**

STEINBOCK ET AL.

**Examiner**

JAMES M. HEWITT

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2009 and 10 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14, 15, 17-20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) 15, 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14, 17, 20 and 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on 7/20/09 and 8/10/09 have been entered.

### ***Election/Restrictions***

Claims 15 and 18-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse on 8/21/07.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(g),(o). The following does not find proper antecedent basis in the specification: lines 3-7 of claim 14; lines 11-16 of claim 14; the limitation "and a nut of said spindle to limit linear movement of said compression show (lines 3-4 of claim 23).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14, 17, 20 and 22-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble of claim 1 recites "A compression generator *for connecting a first pipe member to a second pipe member*", thus only functionally claiming the pipe members. Yet the body of the claim positively recites the first and second pipe members, thus making it unclear as to whether the pipe members are being claimed as part of the claimed invention. For examination purposes, the pipe members have been considered to be claimed as part of the invention.

Further, it is unclear as to how the compression generator can be characterized as disparate from the claimed first and second pipe members.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 14, 17, 20 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reimert (US 4,094,539) in view of Tischler (US 6,712,096).

With respect to claim 14, Reimert discloses a compression generator including a combination of a first pipe member (10/11) having at least one threaded aperture and an internal cavity (bore) accessible from said at least one aperture to install and displace a compression shoe (16) in said internal cavity into frictional contact with a second pipe member (13/14) in a confronting relationship to said at least one threaded aperture. Reimert employs a fastener assembly including screws disposed about the circumference of the apparatus, the screws acting to tighten respective dogs (16). Reimert fail to teach an externally threaded carrier affixed by said at least one threaded aperture for retained support by said first member; and a plurality of jackbolts each received in one of a plurality of threaded holes at spaced-apart locations about an outer peripheral part of said carrier for extending from said carrier into confronting engagement with said compression shoe residing in said internal cavity and generate a pushing force against said second member and form a mechanical connection with said moveable part by torque applied to said jackbolts. Tischler teaches a fastener assembly for a high pressure body, the fastener assembly including an externally threaded carrier (42) received by threaded wall (20) of body (12), and a plurality of jackbolts (44) each received in one of a plurality of holes at spaced-apart locations about an outer peripheral part of said carrier for receiving torque to generate said pushing force to secure seal head (26) against the body (12). Tischler's fastening assembly permits effective securement of a

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high-pressure fluid system. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace Reimert's fastening assembly with that of Tischler's in order to reliably secure the dogs (16) and pipes at high pressures.

With respect to claim 17, wherein said second member (13/14) comprises includes an annular ring section (20 in Reimert) between annular grooves (18 in Reimert) for generating friction by torquing of said jackbolts to move said shoe (16) toward said second member of said mechanical connection.

With respect to claim 20, wherein said shoe (16) includes spaced apart protrusions (19 in Reimert) for interlocking passage therebetween with said annular ring section.

With respect to claim 22, wherein said externally threaded carrier is defined by a disk shaped configuration having a thickness of approximating the wall thickness of the said first pipe member. Refer to Tischler.

With respect to claim 23, further including a spindle (one of the jackbolts 44) extending from said compression member and through a bore in said externally threaded carrier, and a nut on said spindle to limit linear movement of said compression shoe (refer to FIGS. 1 and 2 in Tischler).

With respect to claim 24, wherein said nut is dimensioned to seat in a counter bore in said externally threaded carrier to provide guided movement of said spindle throughout a desired range in said internal cavity. Refer to FIGS. 1 and 2 in Tischler.

With respect to claim 25, wherein said first pipe member comprises four threaded apertures (see Figs. 1 and 2 in Reimert) arranged as opposed pairs with the axes of a pair being coaxially arranged and wherein the central axis of each aperture lies in a common plane that is perpendicular to the longitudinal and central axis of said first pipe member; and wherein said threaded carrier with said jackbolts is secured in each of said four threaded apertures for extending from said carrier into confronting engagement with a respective compression shoe residing in said internal cavity.

### ***Response to Arguments***

Applicant's arguments filed 7/20/09 have been fully considered but they are not persuasive.

Applicant asserts "Independent claim 14 positively recites the mechanical connection of two pipes. Thus, the Tischler reference which pertains to a high pressure fluid system should be removed as a reference since claim 14 pertains to securing two pipes together and the claims now include limitations that would preclude applying a prior art reference that is application to high pressure fluid systems." Examiner disagrees. Just because claim 14 pertains to securing two pipes together does not preclude applying Tischler. Tischler has been relied on for a teaching of the claimed fastening system, and albeit a fastening system that is used to connect two "pipes" or conduits. The motivation to combine Tischler with Reimert is to reliably secure the dogs (16) and pipes at high pressures as

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Tischler's fastening system is used in high pressure applications and to allow Reimert's device to reliably operate at high or higher pressures.

Applicant argues that Reimert fails to teach "a first pipe member having at least one threaded aperture and an internal cavity accessible from said at least one aperture to install and displace a compression shoe in said internal cavity into frictional contact with a second pipe member in a confronting relationship to said at least one threaded aperture". Examiner disagrees. Reimert's first pipe member (10/11) includes a threaded aperture (which receives screw 27 Fig. 3) and an internal cavity (bore) that is accessible from said at least one aperture (prior to assembly with the second pipe member 13/14) so as to permit installation and displacement of a compression shoe (16) in said internal cavity into frictional contact with a second pipe member (13/14) in a confronting relationship to said at least one threaded aperture. Reimert's shoe (16) or at least the teeth thereof are disposed in the bore of the pipe (10/11). Refer to Fig. 3. The teeth are also disposed between the pipe (10/11) and pipe (13/14).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES M. HEWITT whose telephone number is (571)272-7084. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The



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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James M Hewitt/  
Primary Examiner, Art Unit 3679